

**IN THE UNITED STATES BANKRUPTCY COURT
Eastern District of Virginia
Richmond Division**

**In re: Sherita Lashay Johnson
Debtor**

**Case No. 20-31192-KRH
Chapter 13**

Address: 1547 Presidential Drive
Henrico, VA 23228

Last four digits of Social Security No: xxx-xx-4805 (Debtor)

**NOTICE OF AUTHORITY TO SELL REAL PROPERTY
AND NOTICE OF HEARING**

The above named Debtor has filed a Motion for Authority to Sell Real Property in this bankruptcy case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to grant the above-referenced Motion, then no later than appear at hearing the date of the hearing, you or your attorney must appear in Court:

File with the Court a written answer explaining your position at:

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Suite 4000
Richmond, VA 23219-3515

If you mail your response to the Court for filing, you must mail it to the address listed immediately above and early enough so that the Court will **receive** it within the time period stated above.

You must also send a copy to:

Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588

TAKE NOTICE that, pursuant to Standing Order No. 21-12, the hearing on the Motion will be conducted remotely via Zoom for Government before the Honorable Kevin R. Huennekens's Courtroom, on April 27, 2022, at 12:00 p.m.

REMOTE HEARING INFORMATION:

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.uscourts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Dated: April 22, 2022

BOLEMAN LAW FIRM, P.C.
Counsel for Debtor

By: /s/ Laura T. Alridge
Laura T. Alridge (VSB#42549)
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588
Telephone (804) 358-9900
Counsel for Debtor

CERTIFICATE OF SERVICE

I certify that on April 22, 2022 I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor, Chapter 13 trustee, the United States trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties in interest on the mailing matrix attached hereto.

/s/ Laura T. Alridge
Counsel for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
Eastern District of Virginia
Richmond Division**

**In re: Sherita Lashay Johnson
Debtor**

**Case No. 20-31192-KRH
Chapter 13**

MOTION FOR AUTHORITY TO SELL REAL PROPERTY

Sherita Lashay Johnson (the “Debtor”), by counsel, files this Motion for Authority to Sell Real Property pursuant to 11 U.S.C. §§ 363 and 1303, Federal Rules of Bankruptcy Procedure 2002, 6004 and 9013, and Local Bankruptcy Rules 6004-1 and 9013-1. In support thereof, Debtor respectfully states the following:

Jurisdiction

1. This Court has exclusive jurisdiction over this matter pursuant to 28 U.S.C. § 1334.
2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A) and (B).
3. Venue is proper pursuant to 28 U.S.C. §1409.

Facts

4. On March 3, 2020, The Debtor filed for an order for relief under Chapter 13 of the Bankruptcy Code pursuant to 11 U.S.C. § 101 *et seq.* (the “Petition Date”).
5. A Chapter 13 plan has been confirmed by this Court.
6. The Debtor, along with her non-filing sibling, has executed an Agreement to Sell inherited Real Estate (the “Sales agreement”) for the sale of the real property to Corey Emery (the “Purchaser”) for a sale price of \$180,000.00. The real estate is commonly known as 25297 Peaceful Valley Road, Ruther Glen, Virginia, 22546 (the “Real Property”), and a copy of the full legal description is as follows:

ALL that certain lot, piece or parcel of land, together with the improvements thereon and appurtenances thereto belonging or in anywise thereunto appertaining, lying, being and situate in Ready Church Magisterial District, Caroline County, Virginia, near Ruther Glen, Virginia, containing in area 0.578 acre, more or less, and shown and described as Lot 1, on plat of survey of Eastwood Estates, Section A, made by Robert L. Downing, surveyor, dated October 3, 1973, and of record in the Clerk's Office of the Circuit Court of Caroline County, Virginia, and to which reference is hereby made for a more particular description.

BETING the same real estate conveyed to Jonathan W. Sadler and James S. Sadler, as tenants in common, by deed of gift from Rudolph B. Sadler, widower, by David M. Sadler, his attorney in fact, dated March 8, 1989, and recorded March 8, 1989, in the Clerk's Office, Circuit Court of Caroline County, Virginia, in Deed Book 335, page 650.

7. The Real Property is encumbered by a mortgage lien in the first position held by United States Department of Agriculture ("USDA") or its assigns, in the approximate amount of \$40,000.00.

8. The Real Property is encumbered by a mortgage lien in the second position held by Virginia Credit Union ("VACU") or its assigns, in the approximate amount of \$55,000.00

9. Seller Credits in the approximate amount of \$4,500.00 to be applied at closing.

10. Based upon the estimate of seller's closing cost/proceeds provided by the closing agent and subject to final verification at the time of closing, the Debtor, and non-filing sibling, will receive approximately \$58,060.08 after paying the closing cost. The non-filing sibling seeks to retain approximately \$29, 030.04 in proceeds. The Debtor seeks to retain approximately \$5,000.00 in proceed, exempt pursuant to the Exemption under VA Code § 34-26(8). A payment of approximately \$24, 030.00 to the Chapter 13 Trustee to represent an increased dividend to the unsecured creditors.

11. Debtor seeks permission from the Court to sell the Real Property and distribute the proceeds of the sale in the following manner:

a. Payment in full satisfaction of the mortgage lien in the first position held

by United States Department of Agriculture (“USDA”), or its assigns;

- b. Payment in full satisfaction of the mortgage lien in the second position held by Virginia Credit Union (“VACU”) or its assigns:
- c. Payment in full of the closing costs, including but not limited to realtors’ commissions and recordation costs;
- d. Payment of approximately \$24, 030 will be made to the Chapter 13 Trustee to represent an increased dividend to unsecured creditors;
- e. Payment of approximately \$29, 030.04 in proceeds to the non-filing sibling;
- f. Payment of approximately \$5,000.00 to the Debtor.

11. Debtor further request that the Court waive application of Federal Rule of Bankruptcy Procedure 6004(h) in the instant matter in order to facilitate the efficient closing of the sale of the Real Property.

WHEREFORE, Debtor prays that this Court enter an Order: (1) Granting the instant Motion, (2) permitting Debtor to sell the Real Property, (3) directing the sale proceeds to be applied as requested herein, (4) waiving the applicability of Federal Rules of Bankruptcy Procedure 6004(h) in the instant matter, and (5) for such other and further relief as the Court deems proper.

Respectfully submitted,

Sherita Lashay Johnson
By: /s/ Laura T. Alridge
Laura T. Alridge (VSB# 42549)
Boleman Law Firm, P.C.
P. O. Box 11588
Richmond, Virginia 23230-1588
Telephone (804) 358-9900
Counsel for Debtor

CERTIFICATE OF SERVICE

I certify that on April 22, 2022 I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor, Chapter 13 trustee, the United States trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties in interest on the mailing matrix attached hereto.

/s/ Laura T. Alridge
Counsel for Debtor

AD Astra Recovery Services
8918 W. 21st Street N.
Suite 200, PMB 303
Wichita, KS 67205-1880

Carmax Auto Finance
PO Box 3174
Milwaukee, WI 53201-3174

Carrington Mortgage Services
Bankruptcy Department
1600 S Douglass Rd.
Anaheim, CA 92806

Cavalry Portfolio Services
PO Box 27288
Tempe, AZ 85285-7288

Equity Experts
6632 Telegraph Road
Suite 339
Bloomfield Hills, MI 48301

FlagStar Bank
5151 Corporate Drive
Troy, MI 48098

Javon Edwards
17243 Jocasta Avenue
Ruther Glen, VA 22546

JPMCB Card Services
PO Box 15299
Wilmington, DE 19850

Mark D. Meyer, Esquire
Rosenberg & Associates, LLC
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Bethesda, MD 20814

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Stonewall Manor Unit Owners
4870 Sadler Rd Suite 300
Glen Allen, VA 23060

TD Bank USA/Target Credit
P.O. Box 673
Minneapolis, MN 55440

US Dept of Ed/GLELSI
PO Box 7860
Madison, WI 53707

USDA
4805 Carr Dr
Fredericksburg, VA 22408

Verizon
500 Technology Drive
Suite 550
Saint Charles, MO 63304-2225

Virginia Credit Union
P.O. Box 90010
Richmond, VA 23225